

NO. PD-0254-18

IN THE COURT OF CRIMINAL APPEALS OF TEXAS
FILED
COURT OF CRIMINAL APPEALS
9/14/2018
DEANA WILLIAMSON, CLERK

CRAIG DOYAL,

PETITIONER

V.

STATE OF TEXAS,

RESPONDENT

UNOPPOSED MOTION OF *AMICI CURIAE* TO PARTICIPATE IN ORAL ARGUMENT

TEXAS ASSOCIATION OF SCHOOL BOARDS, INC. (“TASB”)
TEXAS ASSOCIATION OF SCHOOL ADMINISTRATORS (“TASA”)
TEXAS COUNCIL OF SCHOOL ATTORNEYS (“CSA”)

IN SUPPORT OF PETITIONER

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Texas Association of School Boards
Texas Association of School Administrators
Texas Council of School Attorneys

ATTORNEYS FOR *AMICI CURIAE*
Texas Association of School Boards

UNOPPOSED MOTION OF *AMICI CURIAE* TO PARTICIPATE IN ORAL ARGUMENT

Amici curiae TASB, TASA, and CSA respectfully file this motion for leave of court to receive additional or share in the oral argument time allotted to Petitioner. In support of this motion, *amici* state as follows:

1. *Amici* TASB, TASA, and CSA are the governors of the Texas Association of School Boards Legal Assistant Fund (“TASB LAF”), which advocates the interests of school districts in litigation with potential statewide impact. Nearly 800 public school districts in Texas are members of the TASB LAF. TASB is a non-profit corporation whose members consist of approximately 1,030 public school boards in Texas. As locally elected boards of trustees, TASB’s members are responsible for the governance of Texas public schools. TASA represents the state’s school superintendents and other administrators responsible for carrying out the education policies adopted by their local boards of trustees. CSA is comprised of attorneys who represent more than ninety percent of the public school districts in Texas.

2. *Amici* respectfully seek to receive additional or share Petitioner’s time for oral arguments, a request to which Petitioner consents. *See* Tex. R. App. P. 39.5 (“With leave of court obtained before the argument and with a party’s consent, an amicus curiae may share allotted time with that party.”); *see, e.g.*, Docket Sheets for No. PD-1371-13 (Tex. Crim. App. April 14, 2014) (granting *amicus curiae*’s

motion to share in argument time); No. 12-0518 (Tex. Sept. 11, 2012) (same); No. 11-0589 (Tex. Oct. 21, 2011) (same); No. 08-0465 (Tex. July 24, 2009) (same); No. AP-75,898 (Tex. Crim. App. May 2, 2008) (noting oral-argument appearance of *amicus curiae*); No. AP-75,207 (Tex. Crim. App. Sept. 2, 2005) (same); No. 96-0745 (Tex. Oct. 13, 1996) (granting *amicus curiae*'s motion to share in argument time).

3. *Amici* propose to be represented at oral argument by Dennis J. Eichelbaum. Mr. Eichelbaum has represented public school districts in Texas for over thirty years and is among the foremost school lawyers in Texas. His expertise in the Texas Open Meetings Act and this case's impact may further assist this Court in deciding the issues in this case.

4. Mr. Eichelbaum has conferred with counsel for Petitioner, Naomi Howard, regarding the oral argument on October 3, 2018. Ms. Howard has authorized Mr. Eichelbaum to represent to this Court that Petitioner has no objection to and consents to *amici* presenting oral argument regarding the issues raised in Petitioner's Petitioner for Discretionary Review. If additional time is not granted, Ms. Howard agrees to use only twenty minutes of her thirty minutes, yielding the last ten minutes to Mr. Eichelbaum (i.e. the time immediately preceding the State's rebuttal argument), should the Court agree that argument by *amici* is appropriate.

5. Counsel for *amici* has also conferred with counsel for the State, David Cunningham, who confirmed that the State does not oppose this motion, and prefers the time to come from the time allotted petitioner.

6. In sum, *amici* respectfully request that the Court grant them leave to participate in oral arguments by granting Mr. Eichelbaum additional time or ten minutes of the thirty minutes Petitioner has been granted in support of its Petition for Discretionary Review.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

This certifies that the undersigned conferred with Naomi Howard (9/12/18)
and David Cunningham (9/13/18), with regard to this motion.

/s/ Dennis J. Eichelbaum
Dennis J. Eichelbaum

CERTIFICATE OF SERVICE

I hereby certify that, on September 13, 2018, a true and correct copy of the
foregoing was served via electronic mail on the following counsel of record for all
parties in this case:

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